AMENDMENT TO ORDINANCE No. 95-2010 (MAIN STREET PROGRAM)

Bill No. 5 -2013

AN AMENDATORY ORDINANCE OF THE CITY OF READING, AMENDING ORDINANCE No. 95-2010, CODIFIED AS SECTION 1-599.61 OF THE CODE OF ORDINANCES OF THE CITY OF READING, TO DECLARE THAT THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY WILL EXERCISE FIDUCIARY AND ADMINISTRATIVE OVERSIGHT OVER THE READING MAIN STREET PROGRAM; TO DESIGNATE THE EXECUTIVE DIRECTOR OF THE READING DOWNTOWN IMPROVEMENT DISTRICT AS THE MAIN STREET PROGRAM MANAGER; AND TO AUTHORIZE THE AMENDMENT TO THE AGREEMENT OF JULY 27, 2005 BETWEEN THE CITY OF READING AND THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE

WHEREAS, the City of Reading ("City"), by the adoption of Ordinance No. 95-2010 on November 22, 2010, has established the Reading Main Street Program with support from the Department of Community and Economic Development of the Commonwealth of Pennsylvania ("DCED") and the Pennsylvania Downtown Center ("PDC") in accordance with the New Communities Program for the prevention and elimination of blight under Section 4(C) of the Housing and Redevelopment Assistance Law, Act if May 20, 1949, P.L. 1633, No. 493, as amended; and,

WHEREAS, it has been determined by the City that the Board of Directors of the Reading Downtown Improvement District Authority ("RDIDA") should exercise fiduciary and administrative oversight over the Reading Main Street Program, and that the Executive Director of the Reading Downtown Improvement District ("DID") should serve as Program Manager for the Reading Main Street Program.

IT IS HEREBY ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF READING AS FOLLOWS:

Section 1. *RDIDA Board to Exercise Oversight of Reading Main Street Program.* Ordinance No. 95-2010, codified as Section 1-599.61 of the Code of Ordinances of the City of Reading, shall be amended as follows:

The City ~~of Reading~~ recognizes that a blighting influence exists because of urban decay and continued divestment in the Central Business District of the City ~~of Reading, Berks County, Pennsylvania ("the City") in and around Penn Street from Front Street to~~

~~11th Street and from Franklin Street to Walnut Street within the City~~.[1] The Reading Main Street Program Board is hereby authorized and shall consist of nine members, who shall be recommended by the Mayor and approved by City Council for a term of three years, and a liaison. The Reading Main Street Program Board of Directors and the Reading Department of Community Development will ~~administer a~~ *serve as advisory bodies to the* Main Street Program. ~~that will~~, *The Board of Directors of the RDIDA will exercise fiduciary and administrative oversight over the Reading Main Street Program. The purposes of the Reading Main Street Program are to:* 1) promote a sense of community and unified purpose, 2) assure the historic continuity of the City's architectural heritage, 3) improve the image and perception of the City to residents and visitors and, 4) strengthen economic rejuvenation of property and commerce to the benefit of all.

Section 2. DID Executive Director as Reading Main Street Program Manager. The Executive Director of the DID shall serve as the Program Manager for the Reading Main Street Program, with all duties as permitted by applicable laws, DCED regulations, regulations, and lawful regulations of any body, agency, or entity providing grants, loans, or other funding or financing.

Section 3. Amendment to Agreement Between City and RDIDA. The City is hereby authorized to enter into an amendment to the Agreement dated June 27, 2005 between the City and the RDIDA for the purpose of putting into effect the subject matter of this Ordinance. The role of the RDIDA and its Executive Director with respect to the Reading Main Street Program, as described herein, is shown in the chart attached hereto as Exhibit "A" and made a part hereof. A true and correct copy of the Amendment to the Agreement is attached hereto as Exhibit "B" and made a part hereof.

Section 4. Full force and effect. The remainder of Ordinance No. 95-2010 shall remain in full force and effect.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the City Council that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

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[1] Exact Main Street area will be in the final form of the Ordinance, to be determined after the Main Street Committee meeting on Friday, January 11, 2013.

Section 6. Repealer. All ordinances or parts of ordinances of the City which are inconsistent herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective on the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 28th day of January, 2013.

CITY COUNCIL OF THE CITY OF READING

By: _____
Francis Acosta, President

Attest: _____
Linda Kelleher, City Clerk

Submitted to Mayor: _____
Date: 1/29/13

Received by the Mayor's Office _____
Date: 1/29/13

Approved by Mayor: _____
Date: 1/29/13

Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify the foregoing is a true and correct copy of original Ordinance passed by the Council of the City of Reading, on the 28 day of Jan A. D. 20 13. Witness my hand and seal of the said City this 4 day of Feb A. D. 20 13

_____
CITY CLERK

EXHIBIT A

main street COMMUNITY

City of Reading / Downtown Improvement District Authority
Main Street Program

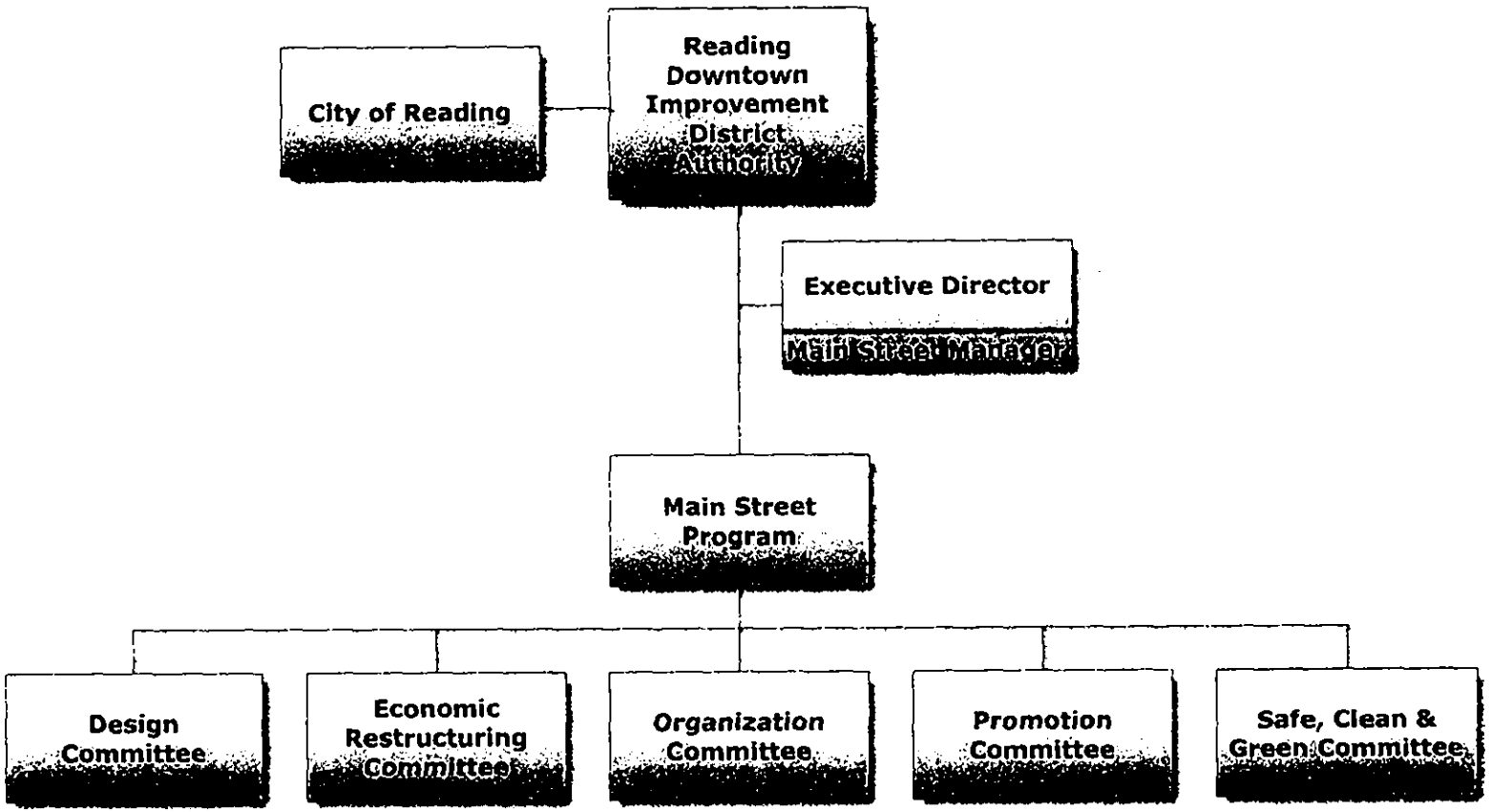

EXHIBIT B

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF READING AND THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY

IT IS HEREBY AGREED BETWEEN THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AND THE BOARD OF DIRECTORS OF THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY THAT THE AGREEMENT BETWEEN THE CITY OF READING AND THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY DATED JUNE 27, 2005 SHALL BE AMENDED AS FOLLOWS:

1. Section II, entitled "DID Authority Responsibilities" shall be amended to add to Section II (3), entitled "Scope of Work of DID Authority" the following sub-paragraphs:

e) Administrative and Fiduciary Oversight of the Reading Main Street Program. The DID Authority Board shall exercise administrative and fiduciary oversight of the operations and programs of the Reading Main Street Program. This shall entail review and comment with respect to the proposed budget, expenditures, programs, and activities conducted by the Reading Main Street Program.

f) Management of the Reading Main Street Program. The Executive Director of the DID shall serve as Program Manager for the Reading Main Street Program, as a part of his or her duties as DID Executive Director. Any and all additional compensation to the Executive Director for these services shall be separately funded by the City, and shall not, under any circumstances, be funded with assessments remitted by property owners in the DID.

2. Section II, entitled "DID Authority Responsibilities," shall be amended to add to subsection (4)(a), "Payment to DID Authority," the following sub-paragraph:

(iii) The City will increase the compensation to the RDIDA in the sum of Twelve Thousand Dollars and 00/100 ($12,000.00) per year to fund the additional cost of the service of the DID Executive Director as Main Street Program Manager. Additionally, the City shall reimburse RDIDA on a monthly basis, upon submission of invoices by the DID Executive Director, for any and all additional costs incurred by the RDIDA as a result of administering the Main Street Program.

3. Amend Section II, entitled "DID Authority Responsibilities," shall be amended to replace subsection (4)(b) "Payment to DID Authority," so that said subsection shall read as follows:

b) Disbursement of these funds will be one (1) time per month, or one-twelfth (1/12) of the total annual amount, which shall be ***Five Thousand Dollars and 00/100 ($5,000.00)*** per month, ***plus additional costs invoiced by the DID Executive Director on a monthly basis as set forth in Section II(4)(a)(iii), above.***

4. The remainder of the Agreement shall stay in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and respective seals the date and year first above written.

READING DOWNTOWN IMPROVEMENT
DISTRICT AUTHORITY

By: _____
,Chair

Attest: _____
,Secretary

CITY OF READING, BERKS COUNTY, PA

By: _____
Vaughn D. Spencer, Mayor

Attest: _____
Linda Kelleher, City Clerk